

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

STEPHEN A. DOWNS, SR.,

Plaintiff,

v.

ERIC K. SHINSEKI, Secretary,  
Department of Veterans Affairs,

Defendant.

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NO. 3:08-1045  
JUDGE HAYNES

**O R D E R**

In accordance with the Memorandum filed herewith, the Plaintiff's motion to ascertain status of Plaintiff's exhaustion of administrative remedies and jurisdiction request and appointment of counsel (Docket Entry No. 34) is **DENIED** and this action is **DISMISSED without prejudice** because this Court lacks jurisdiction and the Plaintiff has not exhausted his administrative remedies.

This is the Final Order in this action.

It is so **ORDERED**.

**ENTERED** this the 29<sup>th</sup> day of June, 2009.

  
WILLIAM J. HAYNES, JR.  
United States District Judge